DOCUMENT RESUME

ED 246 911 IR 050 796

TITLE	Legislative Report of the ALA Washington Office, January-June 1984.
INSTITUTION	American Library Association, Washington, D.C.
PUB DATE	84
NOTE	35p.
AVAILABLE FROM	American Library Association Washington Office, 110 Maryland Ave., N.E., Washington, DC 20002 (limited biannual distribution).
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Federal Legislation; *Federal Programs; Federal Regulation; *Libraries; Library Associations; *Library Services; Library Standards; Lobbying; National Security; Nonprofit Organizations; Online Systems; Preservation; *Public Policy; Salary Wage Differentials; Telecommunications
IDENTIFIERS	*Access to Information; *Congress 98th; Higher Education Act 1980; Library of Congress; Library Services and Construction Act; Medical Library Assistance Act; National Archives DC; Reagan Administration

ABSTRACT

Nationwide interest in restoring excellence to education continued into 1984, but made no dent in the Reagan administration's determination to eliminate federal library programs. Congress is again resisting this third year of zero budgets, despite efforts to contain soaring federal deficits. Few issues pending in this second session of the 98th Congress have been resolved. Library Services and Construction Act reauthorization appears likely to make it through the process, but efforts in the House to get a head start on Higher Education Act reauthorization have been dropped. Measures to provide a mass book deacidification facility for the Library of Congress, extend the Medical Library Assistance Act, and give independence to the National Archives are pending. There are continuing efforts to restrict, directly or indirectly, access to government information through administration policy in such areas as contracting out of federal activities, federal information management, lobbying by nonprofit organizations, information relating to national security, paperwork reduction, pay equity, and standards for federal librarians. Telecommunications access charges and divestiture related tariffs were, for the most part, postponed and there were congressional efforts to mitigate the impact of pending increases in the cost of private leased lines used by libraries to transmit bibliographic data. A funding table and status of legislation chart are appended. (DMC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

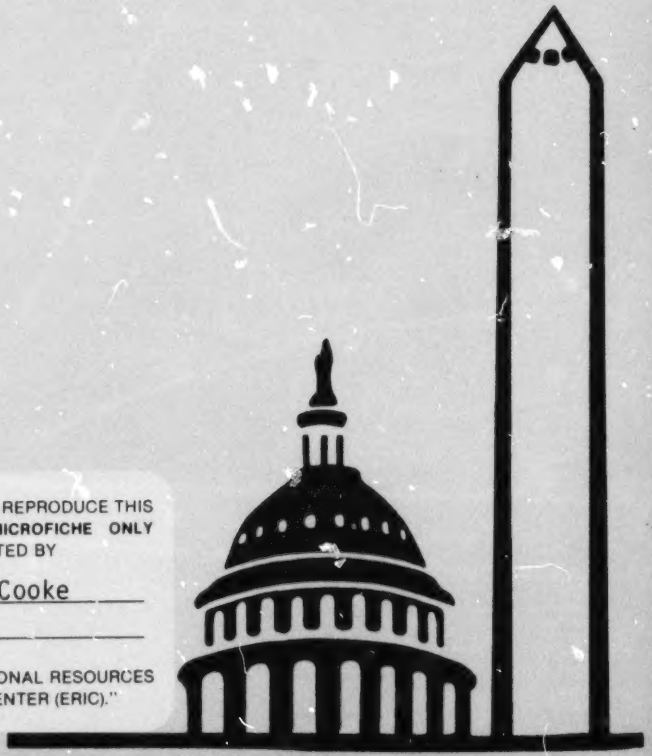
☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

ED246911

LEGISLATIVE REPORT OF THE ALA WASHINGTON OFFICE

JANUARY - JUNE 1984



"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

Eileen D. Cooke

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

IR 050 791

LEGISLATIVE REPORT OF THE ALA WASHINGTON OFFICE

January - June 1984

Nationwide interest in restoring excellence to education continued into 1984, but made no dent in the Reagan Administration's determination to eliminate federal library programs. Congress is again resisting this third year of zero budgets, despite efforts to contain soaring federal deficits. Few issues pending in this second session of the 98th Congress have been resolved, although in this presidential election year of recesses for political party conventions and an early adjournment to campaign, there are not many legislative days left.

Library Services and Construction Act reauthorization appears likely to make it through the process, but efforts in the House to get a head start on Higher Education Act reauthorization have been dropped. Pending are measures to provide a mass book deacidification facility for the Library of Congress, extend the Medical Library Assistance Act, and give independence to the National Archives.

In this Orwellian year there were continuing efforts to restrict, directly or indirectly, access to government information through Administration policy in such areas as contracting out of federal activities, federal information management, lobbying by nonprofit organizations, information relating to national security, paperwork reduction, pay equity, and standards for federal librarians.

Telecommunications access charges and divestiture related tariffs were, for the most part, postponed further -- due partly to the efforts of the library community. In addition, there were congressional efforts to mitigate the impact of pending increases led by a new library champion, Sen. Larry Pressler (R-SD).

American Library Association - Washington Office
June 11, 1984

C O N T E N T S

Appropriations, FY 1985 . . . . . p. 2
Cable Television Legislation. . . . p. 3
Congr. Budget, Deficit Reduction. . p. 4
Contracting Out (OMB Cir. A-76) . . p. 5
Copyright . . . . . p. 6
Depository Library Tribute. . . . . p. 7
Excellence in Education . . . . . p. 7
Federal Audits. . . . . p. 8
Federal Information Management. . . p. 9
Freedom of Information Act. . . . . p. 10
HEA Reauthorization . . . . . p. 10
Library of Congress . . . . . p. 12
Library Services & Constr. Act. . . p. 13
Literacy . . . . . p. 15
Lobbying by Nonprofits. . . . . p. 16
Math and Science Education . . . p. 16
Medical Libraries. . . . . p. 16
National Archives. . . . . p. 17
Nat'l. Endowment for Humanities. p. 17
National Library Symbol. . . . . p. 19
National Library Week. . . . . p. 19
Nat'l. Security Info. Directive. p. 20
Paperwork Reduction. . . . . p. 20
Pay Equity . . . . . p. 21
Postal Issues . . . . . p. 22
Public Lending Right . . . . . p. 22
Standards for Federal Librarians p. 23
Telecommunications . . . . . p. 23
UNESCO . . . . . p. 28

Attachments: (1) Funding Table, (2) Status of Legislation Chart

Appropriations, FY 1985

Library Programs. Consistency seems to be the hallmark of the Reagan Administration budgets for libraries. For the third year in a row President Reagan proposed elimination of Education Department library grant programs. The by-now-familiar zeroes are shown in the table below:

	FY 1984 Appropriation	FY 1985 Reagan Request
Library Services & Construction Act		
Title I, public library services	$ 65,000,000	-0-
III, interlibrary cooperation	15,000,000	-0-
Higher Education Act		
Title II-A, college lib. resources	-0-	-0-
II-B, training, research	880,000	-0-
II-C, research libraries	6,000,000	-0-
Educ. Consolidation & Improvement Act		
Chapter 2 state block grant	479,420,000	728,879,000
NCLIS	674,000	690,000

Education Department justification papers indicated no new rationale, but once again noted "the program's past success at establishing the highest practical levels of access across the country to library services...and at developing models of interlibrary cooperative arrangements to stimulate further expansion of the concept." In addition, "any further need for training of professional librarians can be met through State and local efforts as well as student aid programs."

The $250 million increase in the ECIA Chapter 2 school block grant would be divided into an additional $14 million for the Secretary of Education's discretionary fund and an additional $235 million for the state block grant (which includes the former IV-B school library resources and instructional equipment program). The block grant is ED's main response to the report of the National Commission on Excellence in Education.

President Reagan's budget requests for the National Commission on Libraries and Information Science have steadily improved over the last three years -- from zero funding, to an 18 percent cut, to a 2.5 percent increase in FY 1985. The current $674,000 would go up to $690,000.

No action has been taken yet by Labor-HHS-Education Appropriations Subcommittees on library program funding, but, as usual, the Education Department witnesses attempting to justify the zero budget at hearings before these panels were given short shrift by House and Senate members of both parties.

LC & GPO. The House passed the FY '85 Legislative Branch Appropriations Bill on June 6. Rep. Bill Frenzel (R-MN) offered an amendment to cut funding in the bill 2 percent across-the-board, which was accepted in a close vote of 193-190.

For the Library of Congress the House Appropriations Committee had recommended $236,010,000, more than 1984's $230,472,000 but less than the

$239,263,000 LC requested. The committee did not approve any increase for travel expenses, and approved only 7 of the 41 additional positions requested. The 2 percent cut would give the Library $231,290,000, barely above the current year, and would put considerable pressure on the personnel portion of the budget.

The committee report (H. Rept. 98-811) notes that continued appropriations for the LC portion of the U.S. newspaper project is contingent upon continued support from the National Endowment for the Humanities and the participation of the state and other libraries involved.

James Matarazzo, Associate Dean of the Simmons College Graduate School of Library and Information Science, testified for ALA on February 28 before the House Subcommittee on Legislative Appropriations in support of LC's budget request, along with Susan Martin, Director of the Johns Hopkins University Library, who testified for the Association of Research Libraries. The Library also requested $16,858,000 as a FY 1984 supplemental; $11,500,000 of that amount would be used to obtain a building to enable it to begin the deacidification of its books. Both witnesses urged the appropriation of funds to renovate and restore the original Library of Congress building, the Jefferson Building, and to renovate the Adams Building.

For GPO's Superintendent of Documents operation, the committee recommended $28,868,000, $879,000 less than requested but about $3 million more than FY '84. The committee said the increase "is primarily due to the increased services to the depository library program and the transfer of the Library services program from commercial office space to the main GPO building." The 2 percent cut could reduce the committee recommendation to $28,291,000.

Budget requests for other library and related programs are listed on the attached funding table. See also the articles on the National Archives, the National Endowment for the Humanities, and postal issues for additional funding news.

Cable Television Legislation

On May 28 negotiators for the National League of Cities, the U.S. Conference of Mayors, and the National Cable Television Association reached agreement on recommendations for cable TV legislation after four months of negotiations undertaken at the request of House Energy and Commerce Committee Chairman John Dingell (D-MI). Each of the three organizations will be considering the agreement formally by mid-June.

Rep. Dingell, in a statement on the agreement, said he intended to support it as a "reasonable and responsible compromise arrived at in good faith by the principal parties in interest. He said interests not represented at the negotiating table would have opportunity to have their views heard and concerns addressed prior to committee markup in late June of HR 4103, a bill pending before the committee since last fall. The Senate passed a much different version of cable legislation, S. 66, on June 14, 1983.

For public, educational, and governmental (PEG) access to cable, the agreement provides: (1) PEG access requirements in existing franchises would be grandfathered; (2) franchising authorities could establish minimum PEG access requirements and minimum requirements for educational and governmental use of the institutional network in the request for proposal; (3) franchising authorities would have to establish rules and procedures under which the operator would be permitted to use unused PEG access channels; and (4) franchise fees (capped at 5 percent of gross system revenues) would not include the cost of providing PEG access required by existing franchises or the capital cost of PEG access facilities, equipment, and channel capacity.

The complete text of the city/cable industry agreement is available in the June 4 issue of Nation's Cities Weekly, a newsletter of the National League of Cities, or from the ALA Washington Office, 110 Maryland Avenue, N.E., Washington, D.C. 20002 (enclose a self-addressed mailing label).

At this writing, a coalition of consumer, education, local government and other associations, including ALA, was preparing a joint letter to Rep. Dingell to recommend minimum standards for leased access, a subject not addressed in the city/cable industry agreement. Earlier, on January 26, 1984, 26 such organizations, including ALA, sent a joint letter to all members of the House of Representatives expressing concern that cable TV legislation (HR 4103) pending before the Energy and Commerce Committee may result in higher rates and deterioration in service. The letter stated that national cable television policy should ensure availability of cable service to consumers, guarantee a diversity of information, enhance competition in the operation of cable systems, and prevent the erosion of universal telephone service.

Congressional Budget and Deficit Reduction

The actual congressional budget resolution by which Congress usually sets targets and later ceilings for spending took a back seat this year to other techniques for deficit reduction. Both the Democratic House and the Republican Senate had pronounced President Reagan's budget for FY 1985 "dead on arrival", its mix of priorities and particularly its ballooning deficits caused widespread concern, a concern increased by election year pressures.

The House passed its budget resolution (H.Con.Res. 280) fairly uneventfully on April 5. It would hold most non-defense discretionary spending at 3.5 percent over FY '84 levels, 2 percent below the estimated inflation factor, although it would also allow some extra but unallocated spending for needs-based programs.

Meanwhile, Senate Republicans worked out with President Reagan a "Rose Garden" proposal to reduce spending and deficits by legislating fixed "caps" on broad categories of spending such as defense, entitlements, and non-defense discretionary programs. This proposal, introduced by Majority

Leader Howard Baker (R-TN) as an amendment to a minor House-passed revenue measure, would increase defense spending by 7.5 percent after inflation while freezing discretionary programs without an inflation adjustment.

This proposal and various amendments to it tied up the Senate for weeks. Sen. Bill Bradley (D-NJ) with cosponsors Stafford, Weicker, Pell, Moynihan, Andrews, Kennedy, Matsunaga, Cranston and Inouye, had drafted an amendment to increase education and health research by about $2 billion. In the end, Sen. Baker proposed a transfer of $2 billion from synthetic fuels to be directed in nonbinding fashion to education, health research, and environmental programs. This Baker "perfecting" amendment was adopted 62-37 on May 16, and the Bradley amendment was not offered.

The next day, May 17, the Senate passed the proposal, the Omnibus Deficit Reduction Act, substituting its text for that of HR 4170, a tax reform bill passed by the House on April 11 as a deficit reduction measure. The Senate next, on May 18, passed a budget resolution consistent with the deficit reduction measures and mandatory caps it had passed the day before.

At this writing, a complicated series of House-Senate conferences has begun -- first on legislative changes to reduce deficits in the two versions of HR 4170, then on the spending caps in the Senate version of HR 4170, finally on the House and Senate versions of H.Con.Res. 280, the budget resolution. The caps do not set spending for individual programs, but if they are retained in conference, they may force appropriations subcommittees to take funds from elsewhere in order to increase education or library programs. It is not certain whether conferees will be able to resolve these issues successfully, nor is it possible to predict what it will mean for library funding.

Contracting Out of Federal Activities

The Office of Management and Budget proposed a further revision of OMB Circular A-76; "Performance of Commercial Activities" in the March 29 Federal Register, pp. 12337-38. The proposed change concerns the right of first refusal contract clause and is intended to clarify contractor obligations and employee rights. Circular A-76 which was last revised August 4, 1983 establishes federal policy regarding the performance of commercial activities and sets forth procedures for determining whether commercial activities should be performed under contract with commercial sources or in-house using government facilities and personnel. Library operations and cataloging are among the examples of such activities listed.

In a May 31 letter to OMB's Office of Federal Procurement Policy, the A-76 Task Force of ALA's Federal Librarians Round Table recommended strengthening the proposed revision to include much more fundamental assistance to the federal employee affected by an A-76 adverse action, including: retention of severance pay rights regardless of employee decisions on offers; opportunity by employees to review both the possible government and contractor job offers simultaneously and concurrently; a positive definition of comparable position; and protection of the right of privacy of the names

of affected employees from contractor knowledge without permission from the employee.

By mid-1984 an increasing number of federal libraries are under A-76 review including the Departments of Treasury and Transportation, the National Oceanic and Atmospheric Administration, Customs, the Agency for International Development, the Office of Personnel Management, and the Consumer Product Safety Commission. A congressional on-site review of the National Oceanic and Atmospheric Administration library arranged by Rep. Don Albosta (D-MI), chair of the House Post Office and Civil Service Subcommittee on Human Resources, and planned for mid-June, was postponed because of scheduling problems. The Subcommittee intends to study activities which are currently being performed under contract, or are being considered for contract conversion. Rep. Albosta stated: "A number of concerns have been raised in relation to this issue, such as the designation of Federal libraries as commercial activities and the security of government information. I am also concerned about placement efforts for Federal librarians who may face separation from the Civil Service as the result of a contract conversion."

Copyright

Betamax Case. The Supreme Court, in a 5-4 decision on January 17, held that private, non-commercial home video taping of television programs does not constitute copyright infringement. The Court, in Sony Corp. of America v. Universal City Studios, Inc., found that such home taping is generally done for purposes of "time-shifting" and is a legitimate fair use. The Court also found that making and selling video tape recorders to the general public does not constitute contributory infringement.

Semiconductor Chip Protection. A significant application of copyright law to new technology has been passed by the Senate and is pending in the House. The Senate passed May 16 S. 1201, a bill to provide copyright protection for the imprinted design pattern on semiconductor chips. The purpose of S. 1201 (S. Rept. 98-425) is to prohibit "chip piracy" by amending the copyright law to create a new type of copyrightable work -- "mask works" -- and to make it unlawful to copy such works or make or distribute semiconductor chip products that embody copied mask works.

A semiconductor chip is a small piece of semiconductor material that performs electronic functions. It is composed of layers of semiconductor material which have been imprinted with traces of other elements in certain patterns through the use of "masks" or stencils. Semiconductor chips are utilitarian articles which are not generally protected by copyright. The Senate bill extends copyright to the layout of chips for a term of ten years. It does not affect other copyrightable works embodied in a semiconductor chip product. It does apply the "first sale" doctrine to chips.

The House bill, HR 5525, reported from the Judiciary Committee on May 15 (H.Rept. 98-781), takes a different approach. It would grant ten-year proprietary protection to mask works for semiconductor chip products by adding a new chapter 9 at the end of title 17 of the U.S. Code. The new

chapter would not be part of the Copyright Act, chapters 1-8 of title 17, but would instead create a sui generis form of intellectual property right, a form of industrial intellectual property right rather than the traditional "author's copyright".

Audio/Video First Sale Doctrine. No final action has yet been taken on House and Senate bills introduced in January 1983 to amend the "first sale doctrine" (Section 109 of the Copyright Act). S. 33 and HR 1029 -- the Consumer Video Sales/Rental Amendment of 1983 -- would prohibit the rental, lease or lending of motion pictures or other audiovisual works unless authorized by the copyright owner. Although a tentative agreement was negotiated last December to exempt nonprofit libraries and educational institutions, the heavyweight contenders in the battle, heightened by the Betamax decision January 17, are the manufacturers and video-rental shopkeepers versus the Motion Picture Association of America and Hollywood studios. Almost the same scenario, with the addition of the Recording Industry of America, applies to S. 32 and HR 1027 -- the Record Rental Amendment of 1983 -- which would prohibit the rental, lease, or lending of sound recordings. And, a similar exemption for libraries and educational institutions was worked out. The Senate passed S. 32 June 28, 1983.

However, on April 25, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, chaired by Rep. Robert Kastenmeier, began markup of a five-title draft bill, the "Omnibus Copyright Reform Act of 1984". It incorporates the audio and video bills, and would legislate the home recording of both audio and visual works for private use. In addition, it would reduce the Copyright Royalty Tribunal from five to three members and would revise a number of procedures re cable television. Further action on this draft bill is not expected this session. However, the Record Rental Amendment, HR 1027, is expected to go to the House floor shortly.

Depository Library Tribute

The Senate passed by voice vote on March 30 a resolution, S. Res. 359, paying tribute to the Depository Library System. The resolution was introduced March 28 by Sen. Charles Mathias (R-MD) with cosponsors Baker, Pell, Hatfield, Inouye, Warner, and DeConcini. The resolution concludes:

> Resolved, That the Senate pay tribute to depository libraries throughout the land and commend the many dedicated people associated with the depository library program for their significant contribution in furthering the cause of free and open public access to Government information.

Excellence in Education

Interest in excellence in education, sparked by the April 1983 report of the National Commission on Excellence in Education and by several other education reports, continues unabated. Education Secretary T. H. Bell spoke at ALA's Midwinter Meeting in January, and announced a "Libraries and

Learning Society Seminar Project" in ED's Center for Libraries and Educational Improvement to examine how libraries can help implement the recommendations of his commission's report, "A Nation at Risk".

Five seminars were held in February and March in Boston, Chicago, Berkeley (CA), Dallas and Washington, D.C. and focused on public libraries, academic and research libraries, library and information science education, school libraries, and library linkages and overview, respectively. Participants discussed how library resources could be more effectively utilized by educators, students and the general public to improve educational opportunities for citizens of all ages. An advisory board with representatives of major library and information science organizations (including ALA and some of its divisions) was established and met in September 1983. Five position papers were commissioned; a final report is expected soon.

In May 1984 the Education Department issued a report, The Nation Responds: Recent Efforts to Improve Education (available from SuDocs, GPO, Washington, D.C. 20402, Stock No. 065-000-00198-5, $7.50). The report provides an overview of national developments in the last 12 months, a summary of state and local efforts to improve education, a section on state initiatives, and a sampling of significant efforts by local schools, districts, postsecondary institutions, associations, and the private sector.

The Nation Responds includes a section on ALA and its Task Force on Excellence in Education appointed by President Brooke Sheldon at Council direction (Council Doc. #59, June 29, 1983). The final report of the task force is scheduled to be available at the ALA Annual Conference in Dallas.

Earlier this spring Congress passed a resolution (S.J.Res. 210) designating calendar year 1984 as the "Year of Excellence in Education", and authorizing and requesting the President to issue a proclamation encouraging parents, teachers, administrators, government officials, and people of the U.S. to observe the year with activities aimed at restoring the American educational system to its place of preeminence among the nations of the world. The President signed the resolution May 3 (PL 98-272), and issued Proclamation 5197 on May 22. The text was published in the May 24 Federal Register, pp. 21917-8. "Only informed citizens can preserve our priceless legacy of democracy, individual liberty, and the rule of law," said President Reagan.

Federal Audits

Education Amendments. On May 2 the House Education and Labor Committee ordered reported HR 11, the Education Amendments of 1984, extending and amending a number of education programs including the Adult Education Act, the Bilingual Education Act, the National Center for Education Statistics, and others. Added earlier at the subcommittee level (El/Sec & Voc. Ed. Subcom.) was language amending the General Education Provisions Act in the area of compliance and audit procedures. The amendments are expected to apply to state library administrative agencies as well as state educational agencies.

The amendments would set forth a legal standard of substantial compliance to be used by the Education Department in determining whether or not to seek recovery of funds where no fraud is involved. The amendments would provide for discovery similar to that allowed in federal courts and would correct some of the problems which have arisen with the procedures of the Education Appeals Board. The burden of proof would shift to the Education Department. Finally, ED would be allowed to enter into compliance agreements as an alternative to repayment of funds.

Single Audit Act. In another development the House passed on May 15 HR 4821, the Single Audit Act of 1984. HR4821 would replace federal grant-by-grant audit requirements with a requirement that each state and local government receiving $100,000 or more per year in federal financial assistance obtain an annual, independent, organization-wide audit of its operations. Governmental units receiving less than $100,000 per year would have the option of obtaining a single audit in lieu of grant-by-grant audits. OMB would designate cognizant federal agencies responsible for implementation. The federal share of audit costs could not exceed the percentage of total expenditures represented by federal funds unless it is documented that auditing costs are higher than that amount. A similar bill, S. 1510, was passed by the Senate last November 2.

Federal Information Management

The proposed Office of Management and Budget policy circular concerning federal information management which was expected in the Federal Register early in 1984 is likely to be released during the summer. Anticipating the publication of the draft policy circular, ALA Council adopted two resolutions at the 1984 Midwinter Meeting regarding public access to federal information (Council Docs. #31.6 and 7). The first of these reaffirmed "that there should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States." In another resolution titled "The Right to Know," Council resolved that ALA "ask the President of the United States and other appropriate federal agencies to insure that information management policies promulgated, protect and provide for equal and ready access to federally produced information."

The House Government Operations Subcommittee on Government Information, Justice, and Agriculture, chaired by Rep. Glenn English (D-OK), has begun an investigation into electronic filing of documents with government agencies. Rep. English published a list of questions raised by electronic filing in the March 14 Congressional Record, pp. H1614-5. The issues identified include: public access, the right and responsibility of contractors operating electronic files on behalf of agencies, the rights and responsibilities of submitters, the privatization of government functions, monopoly issues, fairness, and archives.

Freedom of Information Act

On February 27, the Senate passed S. 774 amending the Freedom of Information Act and proposing many procedural and substantive changes to the FOIA. The bill would provide increased confidentiality for certain law enforcement, private business, and sensitive personal records. It promotes uniform fee schedules among agencies which could recover reasonable processing costs in addition to the current search and copying costs, and could keep half the fees to offset costs. Where the costs of fee collection would equal or exceed fees, charges would be waived. The public interest fee waiver would be clarified.

S. 774 also provides for a fair value fee for requests for commercially valuable technological information generated or procured by the government at substantial cost to the public, if the records are likely to be used for a commercial purpose and would deprive the government of their commercial value. The fee would take into account the commercial value of the information, its costs to the government, and also any public interest in encouraging its utilization. A floor amendment removed a reference to royalties in this provision to clarify that it was not designed to create a government copyright but a form of cost recovery, although some Senators remained concerned and urged further hearing on this issue in the House.

The fair value fee provision was opposed by ALA Council in a resolution (Council Doc. #31.8) passed January 11. The resolution encouraged ALA members to monitor the progress of this provision.

The House Government Operations Subcommittee on Government Information, Justice, and Agriculture, chaired by Rep. Glenn English (D-OK), held hearings on S. 774 on May 24, May 30, and plans additional hearings in late June. In his opening statement, Rep. English observed that many of the over 40 changes proposed in the Senate version of the FOIA amendments are controversial and that too much of the debate over FOIA "...has been focused on the cost of the law or on unsubstantiated allegations of harm. The critics of the law have done a good job in obscuring the benefits that result from disclosure of public documents." Representatives of news organizations and public interest groups who testified at the May hearings criticized many of the proposed changes which they said would lead to withholding of valuable government information now available to the public. Rep. English has indicated that he will not rush FOIA amendments through the current Congress.

HEA Reauthorization

House Postsecondary Education Subcommittee Chairman Paul Simon (D-IL) has officially abandoned efforts to get his Higher Education Act reauthorization bill, HR 5240, passed this session. In a May 17 statement to that effect, Simon noted that among the basic themes of HR 5240 was "enhanced quality through library support", and said he remained committed to enactment in the 99th Congress of "improved assistance programs for college libraries to enhance quality and to strengthen service delivery capacity."

The statement followed an abortive attempt to markup the bill on May 2. Subcommittee Republicans threatened to move to table the bill, which unlike reauthorization efforts in previous years, lacked any Republican support. A number of higher education associations had expressed major problems with the bill, especially the student aid amendments in title IV which divided the higher education community. Democratic support was not strong. Other factors at work included Simon's decision to leave the House to seek a Senate seat, the fact that HEA is not expiring this year, and that the Senate does not intend to act on HEA reauthorization this session.

Leading up to this point were several developments affecting HEA II library programs. Last December Simon's staff outlined to the higher education community changes to be proposed to HEA. Library programs would be continued, but scattered throughout the act instead of in a single library title, and there would be a complex set of need criteria for II-A college library resource grants. Concerns about this proposal were expressed to congressional staff by ALA members during the Midwinter meeting, and a Council resolution (Council Doc. #31.3) opposing dispersal of library provisions throughout HEA was transmitted to Simon. Subsequently the draft bill was revised to restore title II as a solely library title.

On March 21 a separate extension and amendment of HEA II library programs was introduced by Reps. Bill Ford (D-MI) and Tom Coleman (R-MO). HR 5210 included a different set of need criteria for II-A, and a new part D which would authorize grants for academic library technological equipment, for joint-use library projects, and for demonstration projects utilizing new technology.

On March 22 Rep. Simon introduced his HEA extension bill (HR 5240) including title II library programs with a revised set of need criteria for II-A and a $1 million authorization for a foreign language periodical center in title VI, international education programs. Hearings began on March 27. One library witness was scheduled -- Barbara Williams Jenkins, Library Director, South Carolina State College in Orangeburg on April 5. Representing ALA, her testimony recommended incorporation into HR 5240 of the II-A needs criteria for college library grants and the II-D college library technology and cooperation grants from HR 5210.

Following hearings, Simon's subcommittee staff drafted a compromise set of need criteria for II-A. Details of all these proposals were included in issues of the ALA Washington Newsletter over the last several months. Judging from reactions of academic librarians, none of the sets of II-A needs criteria proposed to target the college library resources grants to the neediest institutions is totally satisfactory, although there seems general consensus that if the program is to continue it must be targeted. In FY 1984, for the first time since the program began, HEA II-A is not funded because congressional appropriations committees criticized the program for awarding small grants of equal size to every eligible institution.

Library of Congress

DEZ Facility. The Senate passed on May 18 S. 2418, a bill to authorize the Library of Congress to construct a mass book deacidification facility at Fort Detrick, an army facility near Frederick, Maryland. With testing facilities and two large vacuum chambers to accommodate pallets of books to be treated with diethyl zinc (DEZ) vapor, the facility could treat 500,000 books per year at a cost of $3-5 each. S. 2418 would authorize $1..5 million for what LC sees as a prototype for library and scholarly community throughout the country.

The DEZ process was developed by the Library of Congress, and will neutralize the acid in book paper and leave a zinc carbonate residue thereby extending the life of the materials 400-600 years. The life of most book paper produced since about 1850 is only 30-40 years, due to the chemicals used in the sizing process combining with moisture in the air to produce acids which cause the paper to disintegrate. As the Senate Rules and Administration Committee report (S. Rept. 98-429) noted: "It is ironical that the very technology which has enabled inexpensive books to be produced in vast numbers carried with it the seeds of its own destruction." Of LC's law and general book collections, 3 million are beyond help; 10 million would benefit from DEZ treatment.

Sen. Charles Mathias (R-MD), committee chairman and sponsor of the bill, held a hearing on S. 2418 on April 11. Witnesses included Librarian of Congress Daniel Boorstin, LC Preservation Office Director Peter Sparks; Carolyn Harris, Preservation Department, Columbia University Libraries; Susan Martin, Library Director, Johns Hopkins University; and Gary Strong, California State Library. Harris and Martin represented the Association of Research Libraries; Gary Strong, the American Library Association. Also appearing in support were various officials from the Frederick area including Rep. Beverly Byron (D-MD).

The House Public Buildings and Grounds Subcommittee held a brief hearing May 8 with LC witnesses and then approved HR 5607, a similar bill introduced by subcommittee Chairman Robert Young (D-MO).

American Folklife Center. The Senate passed on May 22 a five year reauthorization of the American Folklife Center at the Library of Congress, with authorizations gradually increasing from $930,000 in FY 1985 to $1,319,550 in FY '89. The center was established by Congress in the bicentennial year of 1976 to develop programs and activities such as research, preservation, dissemination and public education, in order to preserve and present American folklife. According to the Senate Rules and Administration Committee's report (S. Rept. 98-433) on the bill, the American Folklife Center is "one of the most successful folklife programs in the entire country."

Library Services and Construction Act

LSCA Reauthorization. The House passed in January and a Senate committee approved in May a reauthorization of the Library Services and Construction Act. The House bill, HR 2878, passed overwhelmingly (357-39) on January 31. HR 2878 would revise and extend title I, public library services, title II, public library construction, and title III, interlibrary cooperation; authorize funding directly to Indian tribes in a new title IV; authorize acquisition of foreign language materials in a new title V; authorize library literacy programs in a new title VI; cap administrative costs at 5 percent or $50,000, and provide for forward funding.

The House-passed bill is the basis of the Senate bill, S. 2490 introduced March 29 by Senate Education, Arts, and Humanities Subcommittee Chairman Robert Stafford (R-VT) with cosponsors Pell, Quayle, Hawkins, Kennedy, Randolph, Sarbanes, and Eagleton. However, there are some differences. S. 2490 drops the new titles V and VI added by the House for foreign language materials and literacy programs, although such projects would be eligible under title I. Authorization levels would be slightly lower. The setaside for title IV Indian library services would be reduced from 2 to 1 percent. The Office of Native Hawaiian Affairs would be eligible as a single tribe. No change would be made in the administrative cost provisions. The specific examples in title I of services to the elderly and the specifics of the title III resource sharing plan would be made optional. The required federal share of title II construction grants would drop from 50 percent to 33 percent. Access to the Library of Congress SCORPIO database for the National Commission on Libraries and Information Science was added originally, but deleted at the subcommittee level in favor of consideration by committees with jurisdiction over LC. S. 2490 also includes some unrelated riders -- establishment of an endowment for Howard University, and extension of the authorizations for the National Assessment of Educational Progress, and for the National Center for Education Statistics.

Authorizations for LSCA in the two bills are as follows:

S 2490 auth. levels (amts. in millions):

FY:	'85	'86	'87	'88	'89
Title I	$75	$80	$85	$90	$95
II	50	50	50	50	50
III	18	21	24	27	30
IV	1% of approp. for titles I, II, and III in '85-'89				

HR 2878 auth. levels (amts. in millions):

FY:	'84	'85	'86	'87	'88
Title I	$65	$80	$85	$90	$95
II	50	50	50	50	50
III	15	20	25	30	35
IV	2% of approp. for titles I, II, and III in '85-'88				
V		1	1	1	1
VI		5	5	5	5

During debate on HR 2878 in January several amendments were offered; two minor amendments were agreed to by the floor managers of the bill, Post-secondary Education Subcommittee Chairman Paul Simon (D-IL) and ranking minority member Thomas Coleman (R-MO). There was spirited debate over one amendment offered by Rep. Newt Gingrich (R-GA) which would have authorized the President to eliminate or reduce by Executive Order in whole or in part any authorization of appropriations in the bill (unless rescinded by Congress within 60 days) whenever it would aid in balancing the budget or reducing the public debt or would serve the public interest. After lengthy discussion the amendment was rejected 144-248. Such line-item veto authority has often been suggested in connection with actual funding; the Gingrich amendment went beyond that to propose veto power over authorization for funding -- a quite extraordinary relinquishment of congressional authority to the executive branch.

The Senate Labor and Human Resources Committee approved S. 2490 on May 2 and issued its report on May 24 (S.Rept. 98-486). The report states that the National Center for Education Statistics "should include among its responsibilities the collection and timely dissemination of base-line library statistics." The report also includes the dissenting views of Sen. Don Nickles (R-OK) who cast the sole vote against the bill in committee; he opposes reauthorization, particularly of title II construction projects. S. 2490 could reach the Senate floor at any time. FY 1985, for which funding is now being considered (see article on appropriations), would be LSCA's automatic one-year extension year, after which the program would lapse without completion of reauthorization by Congress. After Senate passage, a House-Senate conference would be needed to reconcile differences between the two bills.

Senate Hearing. On March 23 the Senate Education, Arts, and Humanities Subcommittee held a hearing on LSCA reauthorization. Witnesses included Ann Richardson, Chairman of the Board of Reading Is Fundamental; Jean Fletcher, a lay delegate to the Florida Governor's Conference on Libraries; Mary Kit Dunn, a member of the White House Conference on Library and Information Services Task Force from North Carolina; Alexander Nole, trustee, Walcott (CT) Public Library; Vermont State Librarian Patricia Klinck; Bruce Daniels, Dep. Dir., RI Dept. of State Library Services; Barbara Markuson, Indiana Cooperative Library Services Authority; Jane Heiser, Literacy Resource Libn., Enoch Pratt Free Library, Baltimore; and Edwin Holmgren, Director, Branch Libraries, NY Public Library.

LSCA Regulations. Revised final regulations for the Library Services and Construction Act were published in the March 30 Federal Register (pp. 12932-39). Proposed regulations were published for comment over a year ago (February 28, 1983), and the final regs include a summary of the comments and responses. The major change from the current regs is that regulatory provisions relating to title II, public library construction, and title IV, older readers services, are removed. The reason given is that the Omnibus Budget Reconciliation Act of 1981, under which LSCA was last extended,

authorizes no specific amount of funds for either title for fiscal years 1982, '83 or '84. However, LSCA II was funded during this period in FY 1983, and funds from the Appalachian Regional Development Act and a few other authorizations continue to be implemented through the LSCA statutory and regulatory requirements. In addition, legislation has been passed by the House (HR 2878) and is pending in the Senate (S. 2490) which would authorize $50 million for LSCA II in FY 1985.

Literacy

ALA Executive Director Robert Wedgeworth submitted testimony in support of Adult Education Act reauthorization for the March 22 hearing record of the House Elementary, Secondary, and Vocational Education Subcommittee. The statement noted that library literacy projects have been funded under the Adult Education Act as well as under the Library Services and Construction Act. Wedgeworth also provided information about the ALA-organized Coalition for Literacy, a public/private sector cooperative effort which has received part of its funding from the Secretary of Education's discretionary fund. Education Secretary T.H. Bell presented the $50,000 award to ALA's Robert Wedgeworth and Jean Coleman on January 9 during the ALA Midwinter President's Program.

A simple two-year extension of the Adult Education Act is included in HR 11, the Education Amendments of 1984, approved by the House Education and Labor Committee on May 2. The committee's report (H.Rept. 98-748) indicates that pending further study some changes may be recommended, particularly to address the problem of adult illiteracy:

> When the Act is fully considered for reauthorization, the problem of illiteracy should be explored through hearings to determine the extent of the problem, the populations with the highest rate, and the effectiveness of adult education programs which teach literacy.
>
> ...All resources, voluntary and professional, should be sought out and utilized to overcome this tragedy. Specifically, voluntary groups and coalitions should be asked to participate in the reauthorization hearing process to access their impact on the target population and to gain information about their experience with basic literacy education.

On May 2 the Senate Labor and Human Resources Committee approved S. 2496 (S.Rept. 98-503) which would extend the Adult Education Act for five years with some amendments, including additional emphasis on adult literacy.

Lobbying by Nonprofit Organizations

After two earlier versions aroused a storm of protest, the Office of Management and Budget published the third and final version of its controversial "Lobbying" revision of Circular A-122, "Cost Principles for Nonprofit Organizations" in the April 27 Federal Register, pp. 18260-77. The revision, effective on May 29, 1984, makes unallowable the use of federal funds for the costs associated with most kinds of lobbying and political activities, but does not restrict lobbying or political activities paid for with non-federal funds. The new version is still drawing fire from some groups and from Members of Congress who contend that the bookkeeping requirement would require contractors and grantees to tell the government how much they spend on lobbying and identify those costs separately from other expenses.

Math and Science Education

The Senate has had pending for a year a math and science education bill (S. 1285, the Education for Economic Security Act) which would authorize $400 million in FY 1985 for improvement of education in math, science, computer learning, and foreign languages. Eligible activities include inservice training and retraining of teachers and other appropriate school personnel, acquisition of instructional materials and equipment, and cooperation with other agencies such as libraries.

The Senate took up the bill briefly on June 6 but did not complete action. However, a group of technical amendments and modifications offered by Labor and Human Resources Committee Chairman Orrin Hatch (R-UT) was accepted. One of these amendments affects the Secretary of Education's discretionary fund for programs of national significance under which grants could be made to state and local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, math, and engineering societies and associations. Priority would be given to providers of special services to historically underserved and underrepresented populations in math and science. Under the amendment adopted, those providers would be expanded to include private nonprofit organizations such as libraries.

The House passed its own math and science education bill, HR 1310, in March of 1983.

Medical Libraries

The Medical Library Assistance Act, which has been without a regular authorization for the last three years, may yet make it through the reauthorization process this year. The House passed an extension bill, HR 2350, last November; a pending Senate bill, S. 773, has been held up in a dispute over fetal research. However, on June 5 the House approved a

Senate-passed bill, S. 540, to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, but substituted the text of the Health Research Extension Act, which is HR 2350 as it passed the House earlier.

The House substitute amendment to S. 540 includes a three year extension of MLAA with authorizations of $10 million for FY '84, $11 million for '85 and $12 million for '86. It would also transfer the National Library of Medicine authority from title III of the Public Health Services Act to title IV under the National Institutes of Health. It is hoped the Senate will agree to the medical library provisions in a House-Senate conference.

National Archives

Budget. The grant programs of the National Historical Publications and Records Commission are once again zeroed out in the FY 1985 budget. The programs were reauthorized last November; the authorized amount is $4 million. The budget request for the National Archives and Records Commission is $92.5 million, about $5.5 million over the previous year, but with higher fixed costs NARS would be unable to regain lost ground.

The House Appropriations Subcommittee has recommended the full $4 million for the NHPRC, and $97.5 million for NARS. According to the committee report (H.Rept. 98-830) on the Treasury, Postal Service, and General Government Appropriations Bill, HR 5798, the $5.2 million above the Administration's request is for additional facilities at the John F. Kennedy Library.

Independence. On April 10 the House Government Operations Committee approved HR 3987 (H.Rept. 98-707), a bill to provide independent agency status for the National Archives and Records Service by separating NARS from its current parent agency, the General Services Administration. In the Senate, the Governmental Affairs Committee issued on April 3 its report on its own Archives' independence bill (S. 905, S.Rept. 98-373). The Senate report cites the conflicting functions and missions between NARS and GSA resulting in divided authority and unclear responsibilities, instances of real and threatened politicization, and diminishing resources for a growing workload as reasons for recommending independence. Floor action on both bills could come shortly.

Commemorative Stamp. A twenty-cent, first-class commemorative stamp marking the 50th anniversary of the National Archives was issued at the Archives on April 16. The handsome stamp features silhouettes of Presidents Washington and Lincoln and the motto of the Archives, "What is Past is Prologue".

National Endowment for the Humanities

On May 31 the President signed a measure (PL 98-306, HR 2751) to bring authorization levels for the National Endowment for the Humanities, the National Endowment for the Arts, and the Institute of Museum Services in

line with actual funding. For the last few years Congress has provided more funding than the Omnibus Budget Reconciliation Act would allow.

The President requested $125,475,000 for NEH in FY 1985, 10.5 percent less than Congress appropriated in fiscal 1984. Since 1981, Congress has not approved Administration proposals, and NEH has been funded at levels above those contained in the Presidential budget proposal.

On April 12, Rep. Sidney Yates (D-IL), chair of the House Appropriations Subcommittee on the Interior, heard a panel of library witnesses urge Congress to continue funding for library programs as a line item in the FY 1985 budget for the National Endowment for the Humanities. ALA Executive Director Robert Wedgeworth was joined by Ching-chih Chen of Simmons College, Dean Burgess from the Portsmouth, VA Public Library, and Bernard Vavrek from Clarion University of Pennsylvania. Each testified based on their own experience with humanities projects in libraries which helped NEH reach general audiences with quality programming.

The panel expressed their concern at the NEH proposal to include Humanities Projects in Libraries with Humanities Programs for Adults with a recommended total funding of $2.99 million, a 32.8 percent cut in funding for both adult and library programs in FY 1984. Ching-chih Chen pointed out that this proposed reduction would be "...the most severe budget cut among all NEH programs." She also gave examples of several actions of NEH in recent years which have had a detrimental impact on the effectiveness of the Humanities Projects in Libraries and which have resulted in a decline in the number of grant applications from libraries to the Endowment. Yet, in spite of underbudgeting and neglect by NEH, the library program has managed to continue to provide support for many "...truly landmark projects having a broad impact and significant contribution to the strengthening and upgrading of the quality of adult education in humanities for the average citizen."

Robert Wedgeworth described the "Let's Talk About It" project now underway in which ALA, with support from the Endowment, will direct and promote a program of book discussions in 150 libraries throughout the United States. In explaining that libraries have been able to do a lot with a little, he pointed out that:

> In FY 1983, according to Endowment records, grants totaling $2,706,000 were awarded to 25 library systems, resulting in programs in 266 libraries nationwide. These programs reached over two and one-half million people. That is barely over $1.00 per person, surely an economy not matched by any other agency in terms of the values transmitted directly to the people. The cultural enrichment gained is not a consumable commodity, it is truly an investment that multiplies and yields continuous dividends.

At this writing, neither the House nor Senate Appropriations Subcommittees on the Interior has acted on the pending appropriations for NEH. However, the effort to maintain a line item for libraries may be hindered by the fact that there are not even enough proposals from libraries to use available funds already appropriated for FY 1984.

National Library Symbol

In the January 10 Federal Register, pp. 1213-19, the Federal Highway Administration (FHWA) requested comments on proposed amendments to the Manual on Uniform Traffic Control Devices, including the ALA proposal to adopt a new white on blue service sign representing libraries using the national library symbol. The FHWA concluded that libraries are primarily a destination rather than a motorist service, and recommended that the sign should be the word "library" in white on a green background. However, the notice went on to say that the FHWA "...is not proposing the adoption of the library symbol as a white on green General Information Sign" because "this symbol does not convey the intended specific meaning."

Several hundred people, including librarians, friends, members of Congress, literacy volunteers, lawyers, graphic designers, and a university director, responded with arguments and photographs. Pennsylvania, for example, provided illustrations to show that the symbol is official in the state and is being used effectively on street and road signs. ALA presented a collection of symbol data, newspaper articles, letters and photographs of signs. FHWA officials have deferred the final decision on the symbol and it will be reconsidered by their advisory committee at its mid-June meeting.

National Library Week

Legislative Day. The participation in Legislative Day on April 10 exceeded last year's record high with about 356 library supporters from 42 states and the District of Columbia taking part in the day of visits to Congressional offices. Several other states contributed financial support, although they did not send participants. Indications are that the Congressional response to their library visitors was even more positive than in the previous two years, and that there is little support for the elimination of library programs as proposed in the Administration's budget. Librarian Rep. Major Owens (D-NY) delivered a stirring speech at the wrap-up session and told library supporters how important it is for them to bring their message from the grassroots to Congress, not only on Legislative Day, but to keep their legislators informed on a continuing basis about how effective the library programs are and how important it is that they be adequately funded. He assured them that their voices count and that only they have the expertise to say how the programs are working.

Rep. Owens' Special Order. On April 11 Rep. Owens arranged for a special order at the end of the legislative day when Members of the House could make one-minute speeches on the subject of National Library Week. Twenty-nine Members participated. Rep. Owens, formerly a librarian, started off by discussing the importance of libraries to excellence in education. See the April 11 Congressional Record, pp. H2745-55 for his speech and those of Reps. Thomas of GA, Staggers, Goodling, Rangel, Frank, Frenzel, Ford of MI, Wortley, Rowland, Derrick, Spratt, Clinger, Oberstar, Conyers, Morrison of CT, Kennelly, and Dwyer of NJ (p. H2777). Speeches on April 12 were by Young of FL (p. E1616), Weiss (p. E1625), Madigan (p. E1625-6), Bevill (p. E1634), Fuqua (p. E1642), Biaggi (p. E1646-7), Towns (p. E1664-5),

Solarz (p. E1673), and Rahall (p. E1682). Sen. D'Amato (R-NY) also made brief remarks (April 12 CR, p. S4670). Participating at later dates were Reps. Lantos (D-CA, April 24 CR, p. E1692-3), and Green (R-NY, April 26 CR, p. H3116).

National Security Information Directive

In mid-February President Reagan suspended for an indefinite period two controversial parts of the directive he signed in March 1983 on safeguarding national security information. Provisions suspended are imposition of a life-time prepublication review system for speeches and writings of current and former government employees with access to highly classified information, and expanded use of polygraph tests. The commitment was put in writing in a March 20 letter to Rep. Patricia Schroeder (D-CO) from White House national security adviser Robert C. McFarlane. McFarlane wrote: "The President has authorized me to inform you that the Administration will not reinstate these two provisions of NSDD-84 for the duration of this session of Congress."

The House Post Office and Civil Service Committee, in turn, postponed consideration of HR 4681, a bill prohibiting prepublication review requirements and lie-detector programs introduced in January by Rep. Jack Brooks (D-TX). A General Accounting Office study said that the directive would have applied to 2.5 million federal employees and another 1.5 million employees of government contractors. The lifetime censorship rules would have applied to about 128,000 people.

Paperwork Reduction

On March 15, Sen. John Danforth (R-MO) introduced for himself and Sens. Chiles (D-FL), Durenberger (R-MN), and Levin (D-MI) S. 2433, the Paperwork Reduction Act Amendments of 1984 (Congressional Record, pp. S2789-S2793). Like HR 2718, the Paperwork Reduction Act Amendments of 1983, passed on November 7, 1983 by the House (CR, pp. H9271-H9273), the Senate bill would establish new goals for further reduction of the "burden" imposed by federal paperwork requirements. However, whereas the House bill calls for reducing the burden of federal collection of information by 10 percent by October 1, 1984, and by an additional 5 percent by October 1, 1985, the Senate bill would require reducing the paperwork burden by 5 percent in each of the next five fiscal years, beginning in FY 1984.

The Office of Management and Budget has cited its responsibilities under the current Paperwork Reduction Act to justify proposed significant changes in federal information management policy and cuts in government publications.

Pay Equity

Late January saw the introduction of several pay equity measures. On the 23rd, Rep. Mary Rose Oakar (D-OH) introduced HR 4599, the Federal Employees' Pay Equity Act of 1984, which she said "would correct the pay and equity problem of Federal employees by mandating that the Office of Personnel Management identify and eliminate discriminatory wage-setting practices" (January 23, Congressional Record, pp. H27-29). Rep. Olympia J. Snowe (R-ME) introduced H.Con.Res. 239, a companion to Sen. Daniel J. Evans' (R-WA) S.Con.Res. 83, on January 23 (CR, pp. E9-11). The resolution would establish a legislative Commission on Pay Equity and go beyond the Senate measure to add race, color and national origin to sex as the factors which the Commission must consider in determining whether or not the compensation system for employees in the legislative branch of the federal government is discriminatory. On January 25, Rep. Patricia Schroeder (D-CO) introduced H.Con.Res. 244, which she described as a sense-of-Congress resolution calling on executive branch agencies to enforce the Civil Rights Act of 1964 prohibiting wage discrimination against women, both in regard to the public and the private sector (CR, pp. H139-140).

On April 3 and 4, Rep. Oakar, Chair of the House Post Office and Civil Service Subcommittee on Compensation and Employee Benefits, chaired hearings on HR 4599 and HR 5092, another pay equity bill which she had introduced. In a statement for the record, ALA Washington Office Director Eileen D. Cooke, proposed that HR 4599 be revised to mandate that an unbiased study be made by private sector experts reporting to the General Accounting Office, which would in turn report to the President and Congress and make recommendations for eliminating discriminatory wage practices. Cooke said that based on its experience with OPM in the revision of the propose federal librarians personnel standards, ALA has serious reservations about the HR 4599 provision which gives OPM the responsibility for studying and identifying discriminatory wage practices and proposing ways to eliminate them.

By late May, HR 4599 was combined with HR 5680, a bill which includes a merit pay reform program as well as the requirement that OPM, conduct a study of the current federal classification and pay programs to determine their compliance with pay equity principles. OPM's report to Congress would be due in seven months. The House Post Office and Civil Service Committee reported out HR 5680 on May 31. A merit pay reform bill has already passed the Senate, but does not call for a pay equity study.

An internal OPM memo leaked to the Washington Post caused Rep. Oakar to convene a hearing on May 30 to hear testimony from OPM Director Donald Devine, James Byrnes, OPM Deputy Associate Director for Staffing, and union leaders to determine if OPM officials violated federal law in their attempt to block her bill aimed at giving comparable pay treatment to women in government. On May 22 Devine called in officials of federal employee unions to discuss the potential impact of Oakar's pay equity bill and told them that Oakar's bill could result in job classification shakeups that could hurt men in blue-collar jobs. The next day the Washington Post published portions of a memo to Devine from Byrnes outlining how OPM could "create disorder within the Democratic House, pitting union against union and both

against radical feminist groups" to block the Oakar bill. OPM officials denied that any federal laws were broken either at the meeting with the unions, or in the Byrnes memo, which Devine said was an "option paper" which he requested and then rejected. Rep. Oakar has asked the Justice Department and the Merit Systems Protection Board to investigate.

Postal Issues

Revenue Foregone. The Administration requested for FY 1985 only $452 million of the $801 million needed to keep nonprofit and other subsidized postal rates at current levels. Under the President's proposal, a 2-lb. book package mailed at the fourth-class library rate would increase from the current 47¢ to 66¢, a 40 percent increase. However, the House Treasury-Postal Service-General Government Appropriations Subcommittee, chaired by Rep. Edward Roybal (D-CA), recommended $801 million, the full amount needed. The full House Appropriations Committee approved that recommendation June 7 in HR 5798; the Senate subcommittee has not yet acted.

Prepaid Metered Return Postage. Library film cooperatives or interlibrary loan operations which prefer to use a postage meter to prepay the return postage for loans or rentals of materials, may now do so. Effective May 10, the U.S. Postal Service announced the regulation change in the May 1984 Postal Bulletin. The new regulation covers all items allowed under the special fourth class or library rate including films, sound recordings, printed music, educational materials, books, and video recordings. Meter stamps must be printed directly on the label that bears the return address of the meter license holder; labels must adhere in such a manner that they will not come off in one piece.

Previous options were to prepay return postage by sending stamps (inconvenient and time-consuming for films) or using an expensive "Merchandise Return Service". The change was worked out with postal officials through a film coalition in which ALA participates. The coalition is headed by the International Communications Industries Association (formerly NAVA).

Book Rate Expansion. On May 18 the U.S. Postal Service asked the Postal Rate Commission to permit computer readable media containing prerecorded information, and books containing at least eight printed pages (such as books for toddlers) to be mailed as special fourth-class (book rate) mail. No changes in rates or fees are proposed. Parties wishing to intervene or persons wishing to comment informally should contact the Secretary, Postal Rate Commission, Washington, D.C. 20268 by June 27. (See Docket No. MC84-1 in the June 5 Federal Register, pp. 23265-6.)

Public Lending Right

No hearings have been held or other action taken on the bill (S. 2192) introduced in November 1983 by Sen. Charles Mathias (R-MD) to establish a commission to study the desirability and feasibility of a public lending

right in the U.S. Under such a system authors would be compensated for the public lending of their books by libraries. It is unlikely that there would be action on S. 2192 in the time remaining in this congressional session.

On January 11 at Midwinter, ALA Council passed a resolution (Council Doc. #31.9) on Public Lending Right Policy Formulation, stating that it is in the public interest that ALA study the public lending right issue, with regular reporting to Council. A subcommittee of the ALA Legislation Committee is exploring the issue.

Standards for Federal Librarians

The Office of Personnel Management denied ALA's appeal for an exemption from OPM's estimated $925 fee to conduct a search of their records in response to ALA's Freedom of Information (FOIA) requests in the fall of 1983. OPM also denied ALA's appeal of that denial. The executive board of the Federal Librarians Round Table voted to pay the first 20 percent ($200) of the fee, to assure that OPM searches and releases the records needed to continue the "dialog." The search and disclosure payment has not been made as yet. On February 27, OPM announced that it would "suspend virtually all standards projects in process at this time." Whether or not the proposed federal librarians standards are considered in process and therefore included in this moratorium is unclear. What is clear is that the review was prompted in part by the General Accounting Office's 1983 review of OPM's development of the pending librarians standards.

When ALA Washington Office Director Eileen D. Cooke submitted a statement for the hearing record on HR 4599, the Federal Employees' Pay Equity Act of 1984, she reported ALA's experience with OPM in the development of the proposed librarians standards. She stated that "On the basis of...inadequate, incomplete, and ill-organized data, OPM developed a proposed standard for library jobs which appears to us blatantly discriminatory." She also pointed out that OPM has made no response to ALA's long-standing request that the proposed standards be withdrawn and rewritten.

See also a related article on pay equity.

Telecommunications

The Federal Communications Commission's access charge decision and divestiture related tariffs are having a major impact on library phone bills and data communications costs. Access charges are raising library phone bills and increasing dial-access charges for library users of value added networks. The most drastic impact is the pending major increase in the cost of private leased lines used by libraries to transmit bibliographic data. That this increase is still pending and not already in effect is due in part to activities of the library community. For instance, group visits to key

Senate offices during ALA Midwinter by ALA Washington Office staff, OCLC, BCR and CAPCON staff and library constituents of each Senator led to the library amendment described below. There have been developments on several fronts.

Library Amendment on Senate Telephone Bill. On January 26 the Senate tabled 44-40 a leadership motion to proceed to the consideration of S. 1660, the Universal Telephone Service Preservation Act. The bill would have put a two-year moratorium on access charges for residential and small business phones. The FCC's decision on January 19 to delay such charges, admittedly in response to political pressure, caused a number of Senators to question the need for legislation on a controversial subject in an election year.

The tabling action killed S. 1660 and with it a library amendment developed by Sen. Larry Pressler (R-SD), a member of the Communications Subcommittee, and agreed to by Sen. Bob Packwood (R-OR), Chairman of the Commerce, Science, and Transportation Committee, and Sen. Ernest Hollings (D-SC), the committee's ranking minority member. The amendment was expected to be offered as part of a committee substitute to S. 1660.

Under the amendment the FCC could not impose new charges on entities providing not-for-profit bibliographic services unless the Commission made a finding that such entities had adequate telecommunications facilities at reasonable charges. The amendment would have required the FCC to initiate a proceeding which in itself would have delayed new charges on libraries. Sen. Pressler defined "entities providing not-for-profit bibliographic services" as "library services provided by public libraries as defined by the Library Services and Construction Act. libraries in institutions of higher education as defined by the Higher Education Act, libraries in elementary and secondary schools as defined by the Elementary and Secondary Education Act, cooperative library networks as described in Title III of the Library Services and Construction Act, and medical libraries as defined by the Medical Library Assistance Act."

In a statement in the January 26 Congressional Record (pp. S200-204, and attached to the February 3 ALA Washington Newsletter), Sen. Pressler inserted letters on telecommunications from South Dakota librarians and letters supporting the amendment from ALA and the Association of Research Libraries, and noted his commitment to pursuing this issue.

Pressler Letter to FCC. By Legislative Day during National Library Week, Sen. Pressler had developed the text of a letter asking the FCC to consider a library private line service under which carriers would furnish entities providing nonprofit bibliographic services with unswitched point-to-point and multi-point service under the terms and conditions in effect September 30, 1983 with modest annual adjustments. "We believe that without such a class of service, universal access to information through libraries is seriously jeopardized," stated the letter. Sen. Pressler's new effort fit in well with a resolution on the role of telecommunications in library service passed by ALA Council (Council Doc. #31.1) on January 11.

Library supporters on Legislative Day, April 10, and in the following weeks urged their Senators to sign the letter which Pressler had sent with a "Dear Colleague" to all Senate offices. The letter was delivered May 8 to FCC Chairman Mark Fowler with a total of 27 signatures, including the following Senators in addition to Pressler:

David Boren (D-OK)	Carl Levin (D-MI)
Rudy Boschwitz (R-MN)	John Melcher (D-MT)
Quentin Burdick (D-ND)	George Mitchell (D-ME)
Robert Byrd (D-WV)	Daniel Moynihan (D-NY)
John Danforth (R-MO)	Sam Nunn (D-GA)
Alan Dixon (D-IL)	Claiborne Pell(D-RI)
Pete Domenici (R-NM)	David Pryor (D-AR)
Thomas Eagleton (D-MO)	Jennings Randolph (D-WV)
Daniel Evans (R-WA)	Paul Sarbanes (D-MD)
Wendell Ford (D-KY)	John Stennis (D-MS)
Chic Hecht (R-NV)	Strom Thurmond (R-SC)
Bob Kasten (R-WI)	John Tower (R-TX)
Paul Laxalt (R-NV)	Paul Trible (R-VA)

Five of these Senators (Pressler, Danforth, Ford, Kasten and Trible) are members of the Commerce, Science, and Transportation Committee, which has jurisdiction over telecommunications, and two (Pressler and Ford) are on the Communications Subcommittee. A total of 27 signatures is considered very good. By way of comparison, the January letter from Sen. Robert Dole to the FCC which influenced the FCC to modify its access charge orders and in turn influenced the Senate to drop its telephone legislation was signed by a total of 32 Senators.

Response from FCC: FCC Chairman Mark Fowler responded to Sen. Pressler in a May 22 letter, which said he shared Pressler's concern over increased rates, but concluded that a rulemaking to establishing a private line service offering for libraries would be premature while the FCC's investigation of private line tariffs was in process.

Fowler noted that ALA, CAPCON, and OCLC had commented on the tariffs, and that the FCC had received numerous informal comments from Members of Congress and from libraries throughout the nation. He assured Pressler that the concerns of the nation's libraries had been brought to the Commission's attention, and the FCC was aware of the significant impact the proposed rates would have on libraries. Fowler said the FCC would address the issues raised in the tariffs in June prior to their effective dates.

AT&T Developments. The telecommunications circuits which connect libraries through their networks to bibliographic databases such as those of OCLC, RLIN and WLN are voice-grade interstate private lines leased by "customers of record" such as OCLC from AT&T. AT&T had been asked to speak at a meeting of the Library of Congress Network Advisory Committee in October 1983 just after the impact of the new private line rate structure proposed by AT&T had become known (an average 73 percent increase for OCLC

libraries), and many librarians who expressed their concern to their Members of Congress and to the FCC also wrote to AT&T Chairman Charles Brown. In addition, ALA, OCLC, and one of the OCLC networks, CAPCON, filed formal comments with the FCC, prompting the FCC to ask AT&T for additional information on the library impact.

Through Network Advisory Committee contacts, AT&T initiated a meeting January 24 with representatives of the library community to discuss the background of the private line tariff and some proposed revisions to it which might lower the cost to libraries slightly. This meeting and a follow-up conference call provided data from AT&T which indicated that library customers accounted for $6.8 million per year or 0.3 percent of AT&T's interstate private line business. However, library cost increases would be 4 times as much as the average private line customer would experience.

Modest reductions in the long distance charges are more than offset by dramatically increased costs at the terminating end and the increased number of components and charges in the revised rate structure. The library circuits are multi-point in nature and hit hard by the tilt in the changes to the local end. Part of this increase, in turn, is due to increased costs to be charged by local exchange companies for private line connections. The divested AT&T must now purchase such access in order to provide end-to-end private line service.

On February 3, Robert Wedgeworth of ALA and Shirley Echelman of the Association of Research Libraries wrote to Charles Brown of AT&T to suggest that AT&T ask the FCC to allow it to file a special interstate class of message and private line services for the use of the library community, based on the unique mission of libraries as common carriers of information. Brown replied on February 21 that while AT&T is "mindful of the concerns and needs of our nation's libraries, a separate rate structure for any single group does not seem appropriate."

FCC Actions. Access charges and new tariffs were originally to have taken effect January 1, to coincide with the divestiture of AT&T as a result of the settlement of a Justice Department antitrust suit against AT&T. However, before that momentous date arrived, the FCC had postponed implementation of the tariffs until April 3. The Commission also wrote to AT&T requesting additional information on a number of issues, including assertions by ALA, CAPCON and OCLC, among others, that a "national system of shared bibliographic utilities that serve libraries will be seriously affected by proposed increases in voice grade multi-point circuits." AT&T was asked to replicate OCLC and CAPCON rate analyses, and did so, essentially verifying those claims.

In January the FCC delayed end user access charges on phone bills for residential and single line business customers from April 3 until approximately June 1985. One change was made to the $25 per month per line surcharge on private lines. Private line customers who certify that their private line is not interconnected with the local exchange through a PBX or other device capable of switching traffic to or from the local exchange

would be exempt from the surcharge. Bibliographic utilities using private lines will be able to avoid the surcharge under this change, thus reducing pending increases slightly. (In a later ruling, the FCC delayed the surcharge temporarily.)

The FCC then found the local exchange carriers tariffs unlawful partly because of the high cost proposed for private line connections, and required them to refile by mid-March. After they did so, the effective date was postponed from April 3 to June 13. AT&T's interstate private line tariff was postponed until June 1.

Then on May 10 the FCC ordered AT&T to reduce long distance rates, including WATS service, by 6.1 percent on May 25. The FCC also allowed the switched access (or plain old telephone service) portion of the local exchange carrier tariffs to be implemented May 25, including the access charge of up to $6 per line per month for multiline business customers, including many libraries. (The access charge actually imposed by local phone companies is expected to average about $4.75.) The FCC also allowed AT&T to charge up to 50¢ for long distance directory assistance after two free calls per month. Private line service was not affected by the May 10 decision.

NOTE: A single library with a single phone line (that is, one phone number no matter how many extensions) and paying its own phone bill should check new bills carefully to make sure the flat access charge has not been added.

On May 24 at the FCC's request, AT&T voluntarily deferred its interstate private line tariff until July 1. On June 7 the FCC suspended the special access or private line portion of the local exchange carriers tariffs from June 13 until November 13 pending a continued investigation into their lawfulness. A Commission decision on AT&T's private line tariffs is expected before the new July 1 effective date. In the interim the current private line rates continue in effect.

Although making long range planning difficult, this series of delays has been good for library and network budgets, and the efforts of the library community have had a role in the delays. For instance, in a February 17 Memorandum Opinion and Order (CC Docket No. 83-1145 Phase I), the FCC noted: "The American Library Association States that the cost of private lines used to access the largest bibliographic data base would be increased by 60 to 84% and that an increase of this magnitude could threaten the viability of many library data bank systems."

The Wall Street Journal reported on February 21 that "FCC officials said that the proposed tariffs would have had an uneven effect, leaving certain corporate users with practically no increases for private lines while libraries and other users might be subject to increases of 800% or more."

Again, in its March 28 Memorandum Opinion and Order (CC Docket No. 83-1145 Phase I and CC Docket No. 78-72 Phase I), the FCC noted that ALA was among the users expressing concern over the huge increases in Special Access (for private lines) rate levels under the October 3 tariffs. "Concerns that

private line increases may drive these entities out of business, or at least make telecommunications so unaffordable as to alter their primary business, require this Commission to be diligent in reviewing the cost information submitted in justifying any rate increases. These concerns have not abated with the filing of new tariffs."

Telecommunications Coalition. Monitoring of these very complex developments has been enhanced by the retention of a telecommunications consultant through a cooperative library effort. Initiated by ALA and the Association of Research Libraries, 24 library associations, bibliographic utilities and library networks pooled their resources and began operating on January 1 of a coalition to monitor telecommunications developments affecting library and educational data transmission. The ALA Washington Office serves as the operational base and liaison.

UNESCO

On March 15, Thomas Galvin, Dean of the University of Pittsburgh's School of Library and Information Science, testified on behalf of ALA before two subcommittees of the House Committee on Science, Research and Technology about the impact of the proposed withdrawal of the U.S. from UNESCO on U.S. scientific and technological cooperative efforts. The hearing was chaired by Rep. Doug Walgren (D-PA). Galvin, a member of the U.S. National Commission for UNESCO, stated the Association's concern at the prospect of the withdrawal which the Secretary of State announced in late 1983 would be effective on December 31, 1984. Galvin included a copy of the resolution on the continued U.S. membership in UNESCO which ALA Council passed at Midwinter in January 1984. He stressed ALA's recommendation that the Secretary of State and the Director General of UNESCO initiate discussions that will lead to resolution of outstanding differences before the announced U.S. withdrawal date, and said that the Association remains "...deeply troubled that no process yet appears to have been initiated by the State Department to pursue such negotiations."

Calvin recognized that there are serious problems with UNESCO that need to be resolved, but that at the operational level in the information field, UNESCO has developed and implemented successful, non-politicized, practical programs of cooperation and development that are vital to U.S. interests and for which no workable alternatives exist. He pointed out that "experience makes it abundantly clear that international copyright cannot be effectively negotiated on a bilateral basis," and that in 1982, U.S. book exports in the scientific and technical and professional category alone represented a dollar value of over $118,000,000.

Rep. George Brown (D-CA) asked whether withdrawal from UNESCO would place at risk any of the U.S. share of the $60 billion world market in communications equipment, the U.S. share of which he said was $49 billion. Galvin stated that it would, because normative standards could be introduced by UNESCO bodies at which the U.S. would not be represented, and competing

countries such as France and Japan could thereby secure significant advantages. Asked by Rep. Brown whether the total volume of U.S. exports placed at risk could exceed the total present U.S. contribution to UNESCO ($50 million), Galvin replied that it certainly could.

On May 7, Galvin submitted a similar statement for the hearing record to the House Committee on Foreign Affairs Subcommittee on Human Rights and International Organizations and the Subcommittee on International Operations.

UNESCO Director General Amadou Mahtar M'Bow has agreed to participate in ALA's International Relations Committee program, "Access: the International Dimension," on Monday, June 25, 2:00 - 4:00 p.m. in the Dallas Convention Center East Ballroom A.

FISCAL YEAR 1985 BUDGET REQUEST FOR LIBRARY AND RELATED PROGRAMS

LIBRARY PROGRAMS	FY 1984 Appropriation	FY 1985 Authorization	FY 1985 Reagan Budget Request
Educ. Consolidation & Improvement			
Chapter 2 (incl. school libs.)	$ 479,420,000	necessary sums	$ 728,879,000
GPO Superintendent of Documents	25,826,000	44 USC 305	29,747,000
Higher Education Act title II	6,880,000	85,000,000	-0-
Title II-A, College Libraries	-0-	35,000,000	-0-
II-B, Training & Research	880,000	35,000,000	-0-
II-C, Research Libraries	6,000,000	15,000,000	-0-
Library of Congress	230,472,000	2 USC 131	239,263,000
Library Services & Construction Act	80,000,000	80,000,000	-0-
Title I, Public Lib. Services	65,000,000	65,000,000	-0-
II, Pub. Lib. Construction	-0-	-0-	-0-
III, Interlibrary Cooperation	15,000,000	15,000,000	-0-
Medical Library Assistance Act	10,000,000 1/	needs new auth.	7,500,000
National Agricultural Library	10,382,000	7 USC 2204	11,661,000
Nat'l. Commis. Libs. & Info. Science	674,000	700,000	690,000
National Library of Medicine	49,111,000 1/	40 USC 275	45,830,000
LIBRARY RELATED PROGRAMS			
Adult Education Act	100,000,000	100,000,000	100,000,000
Bilingual Education	139,183,000	139,970,000	139,245,000
Corporation for Public Broadcasting 2/	130,000,000	153,000,000	100,000,000
ECIA Ch. 1 (ESEA I Disadv. Children)	3,480,000,000	necessary sums	3,480,000,000
Educ. Handicap, Child. (state grants)	1,068,875,000	formula based	1,068,875,000
HEA title III, Developing Institutions	134,416,000	270,000,000	134,416,000
IV-C, College Work Study	555,000,000	830,000,000	850,000,000
VI, International Educ.	25,800,000	80,000,000	-0-
Indian Education Act	68,780,000	95,300,000	68,780,000
National Archives & Records Service	86,805,000	44 USC 21-33	92,325,000
Nat'l. Center for Educ. Statistics	8,747,000	8,947,000	8,747,000
National Endowment for the Arts	162,123,000	250,500,000	143,875,000
National Endowment for the Humanities	140,118,000	247,500,000	125,475,000
Nat'l. Historical Publ. & Rec. Comm.	4,000,000	4,000,000	-0-
National Institute of Education	48,231,000	175,000,000	54,231,000
Postal revenue foregone subsidy	879,000,000	39 USC 2401	452,000,000
Postsecondary Educ. Improvement Fund	11,710,000	50,000,000	11,710,000
Public Telecommunications Facilities	11,880,000	needs new auth.	-0-
Revenue Sharing	4,566,700,000	4,570,000,000	4,566,700,000
Women's Education Equity	5,760,000	6,000,000	-0-

1/ FY '83 supplemental provided $5.9 million for Oregon Health Network allocated in FY '84 as follows: $2.5 million to MLAA and $3.4 million to NLM intramural programs. 2/ CPB funded 2 years in advance.

STATUS OF LEGISLATION OF INTEREST TO LIBRARIANS 98th Congress, 2nd Session Convened January 23, 1984 Chart Date: June 11, 1984	HOUSE					SENATE					FINAL ACTION		
	Introduced	Hearings	Reported by Subcommittee	Committee Report No.	Floor Action	Introduced	Hearings	Reported by Subcommittee	Committee Report No.	Floor Action	Conference Report	Final Passage	Public Law
Adult Ed. Act reauthorization	HR 11	X	X	748		S 2496	X	X	503				
American Defense Education Act	HR 5609	X	X	754									
Cable Telecommunications Act	HR 4103	X	X			S 66	X		67	X			
Civil Rights Act	HR 5490	X		829									
Computer Literacy	HR 3750	X	X	752									
Congressional Budget resolution	HConRes 280	X		645	X	SConRes 106	X		399	X			
Copyright - Home Recording	HR 1029, 1030	X				S 32	X		162	X			
Depository Library Tribute						SRes 359				X			
Federal Pay Equity	HR 5680	X	X										
Freedom of Information Act Amendments		X				S 774	X		221	X			
Higher Ed. Act reauthorization	HR 5240, 5210	X											
LC American Folklife Center						S 2556	X		433	X			
LC Deacidification Facility	HR 5607	X	X			S 2418	X		429	X			
LSCA Reauthorization	HR 2878	X	X	165	X	S 2490	X	X	486				
Math & Science Education	HR 1310	X		6	X	S 1285	X	X	151				
Medical Library Assistance Act Extension	HR 2350, S 540		X	191	X	S 773	X		110				
National Archives - Independence	HR 3987	X	X	707		S 905	X	X	373				
Older Americans Act extension	HR 4785	X		737		S 2603	X		467	X			
Omnibus Deficit Reduction Act	HR 4170			432	X	HR 4170				X			
Paperwork Reduction Act Amendments	HR 2718	X		147	X	S 2433	X						
Public Lending Right Study Commission						S 2292							
Single Federal Audit	HR 4821	X	X	708	X	S 1510	X		234	X			
Taxation - Libraries as Public Charities	HR 2183					S 1649							
Taxation - Manuscript Donations	HR 1285					S 427, 776							
Taxation - Thor Power Tool	HR 3004, 4732					S 1105, 2086							
Telephone Rate Legislation	HR 4102	X	X	479	X	S 1660	X		270				
Appropriations													
Agriculture, FY 1985	HR 5743	X	X	809	X		X						
Commerce, State Dept., FY 1985	HR 5712	X	X	802		HR 5712	X	X					
HUD, Indep. Agencies, FY 1985	HR 5713	X	X	803	X	HR 5713	X	X	506				
Labor - HHS-Education, FY 1985		X					X						
Legislative, FY 1985	HR 5753	X	X	811	X		X						
Treas., Postal, FY 1985	HR 5798	X	X	830			X						

For bills, reports & laws write: House & Senate Doc. Rms., U.S. Capitol, Washington, D.C. 20515 & 20510, respectively.